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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,632	02/08/2002	David E.W. Mercer	35014,063	3242

7590 01/25/2005
Olympic Patent Works, PLLC
P.O. Box 4277
Seattle, WA 98104

EXAMINER


HAMILTON, LALITA M

ART UNIT PAPER NUMBER

3624

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)	
	10/072,632	MERCER, DAVID E.W.	
	Examiner	Art Unit	
	Lalita M Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Laybourn (2004/0009760).

Laybourn discloses a method and corresponding computing device and computer-readable medium comprising issuing virtual scratch cards in a wireless network, retrieving a virtual scratch card from a token database, sending said message to a consumer device in the wireless network issuing said virtual scratch card to a consumer, and marking said virtual scratch card as issued in said token database (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); message is sent via a short message service (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); message is sent via a wireless application protocol (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); consumer device is a wireless phone (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); consumer device is a computing device (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); message is sent via e-mail (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); forwarding said message to a second consumer device (p.1, 19 to p.2, 33; p.3, 37 to p.4,

Art Unit: 3624

60; and fig.6-all); redeeming a virtual scratch card in a wireless network, the authenticating a redemption request from a consumer device, validating a virtual scratch card included in said redemption request, crediting an account associated with said consumer device upon validation of said virtual scratch card, and marking said virtual scratch card as a used token in a token database (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); redemption is sent via a short message service (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); redemption request is sent via a wireless application protocol (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); redemption message is sent via e-mail (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); consumer device is a wireless telephone (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); consumer device is a computing device (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); consumer device is a landline telephone (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); a second consumer device sending a message comprising said virtual scratch card to said consumer device (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); authenticating a change request from a consumer device, validating a first virtual scratch card included in said change request, retrieving a plurality of virtual scratch cards equivalent to a value of said first virtual scratch card, marking said first virtual scratch card as invalid, and sending said plurality of virtual scratch cards to said consumer device (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); change request is sent via a short message service (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); change request is sent via a wireless application protocol (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); change request is sent via e-mail (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); consumer

Art Unit: 3624

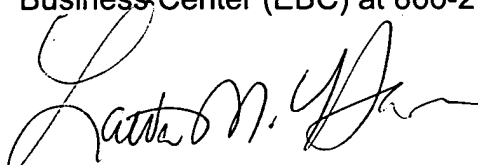
device is a cellular telephone (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); consumer device is a computing device (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all); and a second consumer device sending a message comprising said virtual scratch card to said consumer device (p.1, 19 to p.2, 33; p.3, 37 to p.4, 60; and fig.6-all).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH